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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,038	05/06/1999	CLARENCE C. RUDD	RCA88959	2948

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JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LINCENSING INC
PO BOX 5312
PRINCETON, NJ 085435312

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,038

Applicant(s)

RUDD ET AL.

Examiner

Quoc D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>23</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11, 14, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coviello et al (4,631,367) in view of Heep et al (4,996,709).

Consider claims 11 and 15, Coviello et al teach a multi-line KSU-less telephone system having a plurality of telephone for providing paging feature (see abstract) comprising a first telephone of a plurality of telephones for selecting a group of telephones from the plurality of telephones in the KSU-less system (col. 3 lines 18-31; col. 5 lines 23-50); a first telephone initiate a voice message to the group of telephones in response to user request; and telephones in the group receive and play the voice message from the first telephone automatically regardless of receiving user action and wherein after playing said voice message, one telephone in the group answering the first telephone initiates two way conversation with a user of the first telephone (col. 5 line 46 – col. 6 line 44).

Coviello et al suggested of using multiplexing technique. Coviello et al did not clearly suggest a half-duplex channel for used in the communications. However, Heep et al teach an intercom system having a speaker portion where communication can be established in half-duplex or full-duplex mode (col. 1 lines 53-55).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Heep et al in view Coviello et al in order to provide different modes of communications.

Consider claims 14 and 18, Coviello et al teach the system wherein the two-way communication is initiated by being in an off-hook mode (col. 5 lines 59-67; col. 6 lines 36-39).

3. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coviello et al (4,631,367) in view of Heep et al (4,996,709) and further in view of Core (6,636,595).

Consider claims 12 and 16, Coviello et al did not suggest teach the system wherein at least one of the group telephones comprising a display for providing an identification number of the first telephone. However, Core suggested such (abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Core into view of Coviello and Heep et al in order to provide information to the called party thereby enable the called party to decide whether to accept the call or not.

4. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coviello et al (4,631,367) in view of Heep et al (4,996,709) and further in view of Kruger et al (5,768,344).

Consider claims 13 and 17, Coviello et al did not suggest wherein the voice message is automatically terminated at a predetermined period. However, Kruger et al suggested a telephone device for receiving calls wherein the telephone includes a watchdog timer for terminating the line after a predetermined period of time (col. 2 lines 50-55). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate

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the teaching of Kruger et al into view of Coviello and Heep et al order to end the communications session.

Response to Arguments

5. Applicant's arguments with respect to claims 11-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
Facsimile responses should be faxed to:
(703) 872-9306

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Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive

Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.



Quoc D. Tran

Patent Examiner AU 2643

February 11, 2004